



**REPUBLIC OF KENYA**

**High Court at Nairobi (Nairobi Law Courts)**

**Civil Suit 407 of 2006**

**JASWANT SINGH & BROTHERS LIMITED.....PLAINTIFF**

**VERSUS**

**GONDHO ENTERPRISES LIMITED.....DEFENDANT**

**RULING**

This application seeks orders that the Plaintiff's Complaint herein dated 25<sup>th</sup> July, 2006 be struck out, and that the suit be dismissed with costs. It is brought by way of Chamber summons dated 8<sup>th</sup> November, 2010, and taken out under **Order VI Rule 13(1) (b) and (d)** of the **Civil Procedure Rules**, and **Sections 3 and 3A** of the **Civil Procedure Act**.

When the matter came for hearing on 2<sup>th</sup> January, 2011, Mr. Maweu appeared for the Applicant but there was no appearance for the Respondent. The court noted that the Respondent's Advocates had been served on 19<sup>th</sup> November, 2010. This gave them sufficient time to attend court but they did not do so. As if that were not enough, they did not file any grounds of opposition or replying affidavit. In the circumstances, the application was unopposed and the Applicant entitled to orders as prayed.

Prayers 1 and 2 of the application by Chamber Summons dated 8<sup>th</sup> November, 2010 are accordingly hereby granted as prayed.

**L. NJAGI**  
**JUDGE**

**DATED and DELIVERED at NAIROBI** this 5<sup>th</sup> day of November, 2012

**ODUNGA**  
**JUDGE**